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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,035	12/20/2000	B. Arlen Young	ADPT1058	8135

7590

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EXAMINER
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DANG, KHANH

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/745,035

Applicant(s)

YOUNG, B. ARLEN

Examiner

Khanh Dang

Art Unit

21.11

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-10 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Frame et al.

At the outset, it is noted that similar claims will be grouped together to avoid repetition in explanation.

As broadly drafted, these claims do not define any structure/step that differs from Frame et al.

With regard to claim 1, Frame et al. discloses a method for flow control by a SCSI system using a Packetized SCSI (note that Frame et al. discloses a SCSI system wherein data is transferred in phases using packets), the method comprising: transferring a data packet information unit in a Packetized SCSI Protocol Data Out phase between a SCSI initiator and a SCSI target over a SCSI bus (it is first noted that

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Frame et al. employs packetized SCSI. It is clear that in Frame, Data Out phase transfers data from the initiator to the target in the form of a packet. In Frame et al., it is clear that in the Data Out phase, data the initiator delivers data to the target (see at least column 4, lines 33-36); and generating a signal on said SCSI bus by the SCSI target (in Frame et al., the target will reassert C/D (command/data) and I/O (input/output) during the REQ (request) and ACK (acknowledge) handshakes the Data Out phase (see at least column 4, lines 37-39) in the Packetized SCSI Data Out phase to indicate whether another data packet information unit is to be accepted (the REQ, when asserted low, this signal indicates a target's desire to begin a REQ/ACK handshakes for another data packet information unit, see at least column 3, line 30 to column 4, line 39) in the Packetized SCSI Protocol Data Out phase by the SCSI target. Since claim 1 is broadly drafted, the step of "generating a signal" is also readable on the parity line signal of Frame. According to Frame, in order to check the integrity of the SCSI bus, the SCSI system uses byte parity for detecting data errors (column 2, lines 29-35; column 9, lines 9-32, and column 11, line 32 to column 12, line 3). The use of only a single error detecting mechanism presents problems for the proper validation of data. In another word, if no error conditions on the parity line occurred, more data can be accepted; and no more data can be accepted if error conditions occurred.

With regard to claims 2 and 3, According to Frame, in order to check the integrity of the SCSI bus, the SCSI system uses byte parity for detecting data errors (column 2, lines 29-35; column 9, lines 9-32, and column 11, line 32 to column 12, line 3). The use of only a single error detecting mechanism presents problems for the proper

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validation of data. In another word, if no error conditions on the parity line occurred, more data can be accepted; and no more data can be accepted if error conditions occurred.

With regard to claim 4, since claim 4 is broadly drafted, different interpretation can be assigned to claim 4. In Frame et al., the REQ pulse/signal generated by the target that reaches the maximum REQ pulses/signals indicates that the SCSI target will not accept another data packet information unit. See at least column 3, line 30 to column 4, line 2). In an alternative interpretation, according to Frame, in order to check the integrity of the SCSI bus, the SCSI system uses byte parity for detecting data errors (column 2, lines 29-35; column 9, lines 9-32, and column 11, line 32 to column 12, line 3). The use of only a single error detecting mechanism presents problems for the proper validation of data. In another word, if no error conditions on the parity line occurred, more data can be accepted; and no more data can be accepted if error conditions occurred.

With regard to claims 5 and 7, Frame et al. discloses a method for flow control by a SCSI system using a Packetized SCSI Protocol, the method comprising: transmitting a data packet information unit or a plurality of data packet information units, one immediately after another, by a SCSI initiator in a Packetized SCSI Protocol Data Out phase (it is first noted that Frame et al. employs packetized SCSI. In Frame, Data Out phase transfers data from the initiator to the target in the form of a packet. In Frame et al., it is clear that in the Data Out phase, data the initiator delivers data to the target, see at least column 4, lines 33-36); and monitoring a signal level on a parity line of a

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SCSI bus to determine whether transmitting a plurality of data packet information units is to be terminated (according to Frame, in order to check the integrity of the SCSI bus, the SCSI system uses byte parity for detecting data errors (column 2, lines 29-35; column 9, lines 9-32, and column 11, line 32 to column 12, line 3). The use of only a single error detecting mechanism presents problems for the proper validation of data. In another word, if no error conditions on the parity line occurred, more data can be accepted; and no more data can be accepted if error conditions occurred).

With regard to claim 6, it is clear that in order to do parity checking/determining/interpreting to verify data transfer, the parity line must be "asserted."

With regard to claim 8, it is clear that in order to do parity checking/determining/interpreting to verify data transfer, the parity line must be "asserted." See also discussion regarding to claims 5 and 7 above.

With regard to claim 9, see discussion above regarding to claims 5-8 above.

With regard to claim 10, see discussion regarding claims 5-9 above. Note that Fig. 1 shows generally a SCSI bus 9 and either one of the devices 1-4 can be an initiator or target depending on the transfer direction. Note also that it is clear that the initiator of Frame et al. must include a so-called "flow control module" to perform the steps of transmitting, receiving, and interpreting. See at least claim 92.

### ***Response to Arguments***

Applicants' arguments filed 4/11/2005 have been fully considered but they are not persuasive.

At the outset, Applicants are reminded that claims subject to examination will be given their broadest reasonable interpretation consistent with the specification. *In re Morris*, 127 F.3d 1048, 1054-55 (Fed. Cir. 1997). In fact, the "examiner has the duty of police claim language by giving it the broadest reasonable interpretation." *Springs Window Fashions LP v. Novo Industries, L.P.*, 65 USPQ2d 1862, 1830, (Fed. Cir. 2003). Applicants are also reminded that claimed subject matter not the specification, is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding the prior art. *In re Sporck*, 55 CCPA 743, 386 F.2d, 155 USPQ 687 (1986).

With this in mind, the discussion will focus on how the terms and relationships thereof in the claims are met by the references. **Response to any limitations that are not in the claims or any arguments that are irrelevant and/or do not relate to any specific claim language will not be warranted.**

#### **The Frame et al. 102(b) Rejection:**

Applicants argue that "Frame has a filing date of May 11, 1988. The rejection asserts that Frame teaches a protocol that was not in use at the time of filing of Frame. (Young at 14)." In response to Applicants' argument, it is irrelevant whether Frame teaches a protocol that was not in use at the time of filing of Frame. Rather, the relevant

issue is whether Frame discloses Applicants' invention as claimed. It is clear that the Frame, as discussed above, meets all limitations recited in the claims. Applicants further argue that "the Packetized SCSI Protocol does not include the Command Out phase and the Status in phase. (Young at 5.) In contrast, Frame at Col. 4, lines 28 describes that a Command Out phase is used and at Col. 4, lines 40 to 42 describes that a Status In phase is used. (Young at 16) Thus, contrary to the assertion in the Final Rejection that Frame teaches use of only Data phases, Frame described a protocol that includes more than data phases. (Young at 6) There was no citation in the Final Rejection to any teaching in Frame either that the Command Out and Status In phases are not needed, or that Frame would work without these phases. In fact, such an interpretation would be error. (Young at 17) The statement that Frame teaches only using data phases in the transfer of data mischaracterizes the teaching of the reference. (Young at 18)." In response to Applicants' argument, the fact that Frame discloses more than data phases (Data Out phase as particularly recited in the claim) is irrelevant. At issue is whether or not Frame discloses the use of Data Out phase; and it is clear from the above discussion that Frame does disclose Data Out phase in a packetized SCSI." In addition, Applicants argue that "[t]here has been no citation to "Packetized SCSI Protocol" in Frame and the entire rejection is based upon conclusory statements that are not supported by Frame." Contrary to Applicants' argument, Frame discloses a SCSI system wherein data is transferred in phases including Data Out phase, using packets including headers and payloads.



Applicants argue that in Frame, “[i]n the Command Out phase, the initiator delivers control information to the target in preparation for the Data Out phase. This unambiguous statement directly contradicts the interpretation of Frame that the header was transmitted in the Data Out phase as presented in the final rejection.” At the outset, the Examiner agrees with Applicants that the header is transmitted during the Command Out phase in preparation for the Data Out phase. However, claim 1, for example, recites “transmitting a data packet information” in a Data Out phase. Frame clearly discloses data packet information is transmitted in Data Out phase, see at least column 4, lines 33-39.

Applicants argue that Frame does not disclose “generating a signal as recited in claim 1 and the data packet information unit of the Packetized SCSI protocol transferred in the Data Out phase.” Contrary to Applicants’ argument, it is clear that Frame et al. discloses that Data Out phase transfers command and data from the initiator to the target in the form of a packet containing a header and a payload. In Frame et al., in the Data Out phase, data the initiator delivers data to the target (see at least column 4, lines 33-36); and generating a signal on said SCSI bus by the SCSI target (in Frame et al., the target will reassert C/D (command/data) and I/O (input/output) during the REQ (request) and ACK (acknowledge) handshakes the Data Out phase, (see at least column 4, lines 37-39) in the Packetized SCSI Protocol Data Out phase to indicate whether another data packet information unit is to be accepted (the REQ, when asserted low, this signal indicates a target’s desire to begin a REQ/ACK handshakes for another data packet information unit, see at least column 3,

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line 30 to column 4, line 39) in the Packetized SCSI Protocol Data Out phase by the SCSI target. **Alternatively**, since claim 1 is broadly drafted, the step of "generating a signal" is **also** readable on the parity line signal of Frame. According to Frame, in order to check the integrity of the SCSI bus, the SCSI system uses byte parity for detecting data errors (column 2, lines 29-35; column 9, lines 9-32, and column 11, line 32 to column 12, line 3). The use of only a single error detecting mechanism presents problems for the proper validation of data. In another word, if no error conditions on the parity line occurred, more data can be accepted; and no more data can be accepted if error conditions occurred. In response to Applicants regarding to claims 2 and 3, With regard to claims 2 and 3, according to Frame, in order to check the integrity of the SCSI bus, the SCSI system uses byte parity for detecting data errors (column 2, lines 29-35; column 9, lines 9-32, and column 11, line 32 to column 12, line 3). The use of only a single error detecting mechanism presents problems for the proper validation of data. In another word, if no error conditions on the parity line occurred, more data can be accepted; and no more data can be accepted if error conditions occurred. With regard to claims 5 and 7, Applicants argue that Frame uses SCSI and does not disclose Packetized SCSI. Contrary to Applicants' argument, it is clear that Frame et al. discloses a SCSI system wherein data is transferred in phases using packets. In frame, the Data Out phase transfers data from the initiator to the target in the form of a packets. In Frame et al., in the Data Out phase, data the initiator delivers data to the target (see at least column 4, lines 33-36); and generating a signal on said SCSI bus by the SCSI target (in Frame et al., the target will reassert C/D (command/data) and

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I/O (input/output) during the REQ (request) and ACK (acknowledge) handshakes the Data Out phase, (see at least column 4, lines 37-39) in the Packetized SCSI Protocol Data Out phase to indicate whether another data packet information unit is to be accepted (the REQ, when asserted low, this signal indicates a target's desire to begin a REQ/ACK handshakes for another data packet information unit, see at least column 3, line 30 to column 4, line 39) in the Packetized SCSI Protocol Data Out phase by the SCSI target.

The declaration under 37 CFR 1.132 filed 4/11/2005 is insufficient to overcome the rejection of claims 1-10 based upon Frame et al. under 35 USC 102 (b) as set forth in the last Office action because:

1) evidences presented in the declaration are not germane to the rejection at issue. See above discussion under "Response to Argument."


2) evidences showed in the declaration are not commensurate in scope with the claims. The declaration refers only to the system described in the prior art and not to the claim language of individual claims of the application.

3) Frame et al. is claiming the same invention.

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Any inquiry concerning this communication should be directed to Khanh Dang at  
telephone number 571-272-3626.

A handwritten signature in black ink, appearing to read "Khanh Dang", with a stylized flourish at the end.

Khanh Dang  
Primary Examiner